

ESTTA Tracking number: **ESTTA572083**

Filing date: **11/20/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210643
Party	Defendant Blue Gentian, LLC
Correspondence Address	CARL J SPAGNUOLO MCHALE & SLAVIN PA 2855 PGA BLVD PALM BEACH GARDENS, FL 33410-2910 UNITED STATES aprice@mchaleslavin.com, ustrademarks@mchaleslavin.com, cspagnuolo@mchaleslavin.com
Submission	Other Motions/Papers
Filer's Name	Carl J. Spagnuolo
Filer's e-mail	cspagnuolo@mchaleslavin.com, ustrademarks@mchaleslavin.com
Signature	/Carl J. Spagnuolo/
Date	11/20/2013
Attachments	~OTHKTDI001F.PDF(38722 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Tristar Products, Inc.	)		
Opposer/Petitioner	)		
	)		
v.	)	Opposition No.	91210643
	)	Cancellation No.	92057408
	)		
Blue Gentian, LLC	)		
Applicant/Respondent	)		
	)		

**Opposer/Petitioner and Applicant/Respondent Joint Consented Motion to  
Suspend Proceedings Pending Board's Ruling on Consolidation  
and Reset All Trial Dates**

Pursuant to Trademark Rule 2.127(d), Tristar Products, Inc. (Opposer/Petitioner) and Blue Gentian, LLC (Applicant/Respondent), hereby consent and jointly move for an order suspending further action on all proceedings and, upon lifting of suspension, a resetting of all trial dates, and further states:

1. On May 15, 2013, Tristar Products, Inc. filed Opposition 91210643.
2. On June 25, 2013, Tristar Products, Inc. filed Cancellation 92057408.
3. On October 15, 2013, Tristar Products, Inc., with consent from Blue Gentian, LLC, moved to consolidate the Opposition and Cancellation actions.
4. The Board has yet to rule on that Motion To Consolidate.
5. Insofar as, without consolidation having yet been ruled upon, scheduling confusion, and duplicative work and general uncertainty exists.
6. In an effort to alleviate confusion and to promote judicial efficiency, the parties consent and jointly move that all proceedings be suspended pending the Board's ruling on consolidation of the two pending actions.

7. The parties have consented and further jointly move that all trial dates be reset upon consolidation of the two pending actions no earlier than January, 2014.

WHEREFORE, Opposer/Petitioner and Applicant/Respondent respectfully request that the Board issue an order suspending all further action in the two proceedings pending the consolidation of the two proceedings and reset all trial dates after the consolidation has been ordered, no earlier than January, 2014.

**Dated: November 20, 2013**

Respectfully Submitted,

By: /Carl J. Spagnuolo/

**Carl J. Spagnuolo**  
**McHale & Slavin, P.A.**  
**2855 PGA Blvd.**  
**Palm Beach Gardens, FL 33410**

**Attorney for Applicant/Respondent**  
**Blue Gentian, LLC**

By: /Daniel J. Holmander/

**Daniel J. Holmander**  
**Barlow, Josephs & Holmes, Ltd**  
 101 Dyer Street, 5<sup>th</sup> Floor  
 Providence, RI 02903

**Attorney for Opposer/Petitioner  
Tristar Products, Inc.**